

July 19, 2006

Subject: New State Requirements for Aboveground Motor Fuel Storage Tanks with Underground Piping

Dear Facility Owner/Operator:

I am writing to notify you of legislation recently adopted by the Maine Legislature (PL 2005, c. 491) that establishes new requirements for facilities with aboveground tanks storing motor fuel and that are connected to underground piping. These requirements apply to any tanks at your facility where all of the following applies:

1. The tank is installed aboveground;
2. The tank stores motor fuel (gasoline, diesel, biodiesel, aviation gasoline, jet fuel, gasohol or other fuels used in the operation of a vehicle or motor engine); and
3. The tank is connected to underground fuel piping.

If none of your tanks meet all three of the above criteria, then the new legislation and this letter do not apply to your facility. However, if you have any tanks meeting all three of the above criteria the new legislation does apply, and please read further for more explanation of the new requirements.

First, some background information on the new requirements and why they were adopted. Department spill data show that while undetected underground piping failures at AST facilities account for relatively few spills, these spills cost Maine's Ground Water Oil Clean-up Fund an exorbitant amount of money. For example, 37 incidents of undetected underground piping leaks at AST facilities during the time period of 1995 – 2003 required expenditures from the Ground Water Oil Clean-up Fund of almost \$6 million. (This insurance fund covers the cost to clean-up spills up to \$1 million per incident and is derived from fees on imported oil that you purchase.) The intent of the new legislation is to reduce this threat to the environment by bringing underground piping systems at motor fuel AST facilities up to the same standards as is required of their UST counterparts.

This state law became effective August 23, 2006, and establishes several important deadlines for you to be aware of – the first two of which are coming soon this year and next:

- 1) **By January 1, 2007**, register motor fuel ASTs (For diesel ASTs see deadline #3.) with underground piping;
- 2) **By July 1, 2007, and annually thereafter**, submit inspection reports from a Certified Tank Installer or Certified Tank Inspector of underground piping systems associated with motor fuel ASTs (for diesel ASTs see deadline #4);

- 3) **By January 1, 2009,** register diesel ASTs with underground piping;
- 4) **By July 1, 2009, and annually thereafter,** submit inspection reports from a Certified Tank Installer or Certified Tank Inspector of underground piping systems associated with diesel ASTs; and
- 5) **By January 1, 2011,** retrofit pre-June 24, 1991, underground piping systems at all motor fuel ASTs to meet the DEP's leak detection standards.

The purpose of the facility registration requirement is to allow DEP staff to track ownership, location and equipment changes at motor fuel AST facilities with underground piping, and to monitor compliance with applicable standards. I have enclosed a registration form for you to complete for your facility. Please also note that there is an annual \$35.00 registration fee for each applicable AST located at your facility.

You will most likely find it convenient to register your diesel ASTs the same time you register your other motor fuel ASTs. However, (as listed under Item #3 above) you need not register diesel ASTs until January 1, 2009. Diesel tanks were given an extended deadline to allow more flexibility for owners transitioning to ultra low sulfur diesel (ULSD) to comply with federal regulatory changes that will require at least 80 percent of diesel refined or imported into the country to be ULSD. Since ULSD may not be stored in tanks also used to store regular diesel, or mixed with regular diesel, some owner/operators may need to physically modify their facilities to accommodate those regulatory changes.

Please complete these registration forms and submit them to the DEP before January 1, 2007, (January 1, 2009, for diesel).

If you have any questions about these new requirements or how they apply to your facility or you need assistance completing the enclosed registration form, please contact the DEP. Check out our website at <http://www.maine.gov/dep/rwm/abovegroundtanks/index.htm> Call (207) 287-7688 or in-state toll free at 1-800-452-1942. Ask to talk to someone about "Aboveground tanks with underground piping".

Sincerely,

W. David McCaskill, P.E.
Bureau of Remediation
Division of Technical Services

xc: SPCC General Correspondence File

Enclosure: DEP AST Registration Form